

(Mrs. BIGGERT addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

AMERICA IS LOSING ITS ALLIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I rise in dismay at the self-inflicted isolation of our country and wonder if it is too late to recover from the most catastrophic failure in diplomacy in American history. We are left with no alternative to war, gradually each day even, though we have not been attacked and even though there is no claim of imminent attack.

War is the most serious effect of this failure but it is not all we have lost. Enough of the finger pointing and ally bashing. Us against the world is a completely unnecessary result when we have been dealing with a totalitarian tyrant like Saddam. We have been seized by the hubris of our own power, losing everything that matters to us in foreign affairs, especially at a time of global terrorism when we need each and every ally we can get. We are losing each and every one of our major allies. You can cite the small countries all you want to, but when you lose the permanent members of the Security Council, you cannot blink that, no matter who you are.

We have endangered our closest allies, beginning with England. Poor Tony Blair. He is permanently politically damaged now. He will be weakened in all he does. Pervez Musharraf, the most critical in our anti-terrorism allies, faces wholesale opposition at home. What in the world are we going to do if he falls?

We have thrown to the wind the spontaneous coalition that gathered around us after 9/11, and yet it seems that we believe it is all the administration's fault.

Actually, the President's approach sowed the seeds of its own destruction because he began by announcing an invasion strategy. Had he started with meetings and consultation with our allies, of putting proposals on the table, beginning with inspections, graduating with tougher and tougher action, he would have his coalition by now. In fact, he had to be convinced to consult at all. I remember his making fun of the notion of going to the United Nations until members of his own party, former officials of former administrations, advised that it was important to seek a coalition.

Mr. Speaker, the lesson of this wholesale failure of the greatest power left, with everybody running from it, amounts to you cannot be a world leader if you cannot convince others to follow. And the second lesson is that if you have the power, you do not have to flaunt it. Used skillfully, you can bring people to you simply because you are

the greatest power in the world. God bless our country. May we still be saved from this catastrophe.

PUBLICATION OF THE RULES OF THE SELECT COMMITTEE ON HOMELAND SECURITY 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COX) is recognized for 5 minutes.

Mr. COX. Mr. Speaker, pursuant to Clause 2 of House Rule XI, I submit for publication in the CONGRESSIONAL RECORD the following rules of procedure for the Select Committee on Homeland Security in the 108th Congress.

RULES OF PROCEDURE ADOPTED MARCH 4, 2003

1. CONVENING OF MEETINGS

The regular meeting date and time for the transaction of business of the Select Committee on Homeland Security ("the Committee") shall be at 9 o'clock a.m. on the first Friday of each month, unless otherwise directed by the Chairman.

The date, time, place and subject matter of any hearing of the Committee shall, except as provided elsewhere in these rules, be announced at least one week in advance of the commencement of such hearing. The notice requirement may be abridged or waived in extraordinary circumstances, as determined by the Chairman with the concurrence of the Ranking Minority Member.

The date, time, place and subject matter of any meeting, other than a hearing or a regularly scheduled meeting, shall be announced at least 36 hours in advance for a meeting taking place on a day the House is in session, and 72 hours in advance of a meeting taking place on a day the House is not in session, except in the case of a special meeting called under Clause 2(c)(2) of House Rule XI.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the Chairman and Ranking Minority Member, designated majority and minority committee staff, respectively, shall brief Members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee Members in preparation for such meeting and to recommend any matter which the Committee Members might wish considered during any meeting. Such briefing shall, at the request of a Member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

3. MEETING PROCEDURES

Meetings of the Committee shall be open to the public except that a meeting or any portion thereof may be closed to the public if the Committee determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken on such matters would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person, or otherwise would violate any rule of the House. The determination whether any such discussion or testimony, or papers and other materials in connection therewith, shall be presented in open or executive session shall be made by the Chairman in conformity with the rules of the House and these rules. Opening statements at any hearing, mark-up, or other meeting of the Committee or any sub-committee may be given by any Member who is present within five minutes after the hearing, mark-up, or

other meeting is called to order, in his or her discretion, in each case not to exceed three minutes. With the consent of the Committee, prior to the recognition of the first witness for testimony, any Member, when recognized for opening statement, may completely defer his or her three-minute opening statement and instead use those three minutes during the initial round of witness questioning.

One-third of the Members of the Committee shall constitute a quorum for the transaction of business, except in the following circumstances, in which a quorum shall be a majority of the Committee: ordering a report; entering executive session; releasing executive session material; issuing a subpoena; immunizing a witness; and reporting contempt. Two Members shall constitute a quorum for the purpose of holding hearings to take testimony and receive evidence.

In full Committee or subcommittee, the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed vote at any time, provided that all reasonable steps have been taken to notify Members of the resumption of such proceedings. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of, and the votes cast in opposition to, such measure or matter, or any amendment thereto. If at the time of the approval of a measure or a matter by the Committee a Member of the Committee gives notice of intention to file supplemental, minority, or additional views for inclusion in the report to the House thereon, that Member shall be entitled to not less than three additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) to file such views, in writing and signed by the Member, with the Clerk of the Committee.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice. Reasonable notice shall be given to all witnesses appearing before the Committee.

Oath or Affirmation. Testimony of witnesses shall be given under oath or affirmation which may be administered by the Chairman or his designee, except that the Chairman of the Committee may not require an oath or an affirmation where the Chairman determines that it would not be appropriate under the circumstances.

Questioning of Witnesses. Committee questioning of witnesses shall be conducted by Members of the Committee and such committee staff as are authorized by the Chairman or presiding Member. In the course of any hearing, each Member shall be allowed five minutes for the questioning of a witness until such time as each Member who so desires has had an opportunity to question the witness. The Chairman, or the Committee by motion, may permit an equal number of majority and minority Members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side. The Chairman, or the Committee by motion, may permit Committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

Counsel for the Witness. Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may notify the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to the witness' appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel will not excuse the witness from appearing and testifying.

Statements by Witnesses. A witness may make a statement, which shall be brief and relevant, at the beginning of the witness' testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding Member. Any witness desiring to submit a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so no less than 72 hours in advance of the witness' appearance before the Committee.

Objections and Ruling. Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding Member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present fails to sustain the ruling of the chair.

Transcripts. A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing.

Inspection and Correction. All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Such counsel shall have the appropriate clearance necessary to review any classified aspect of the transcript. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of the public record shall be made available to that witness at the witness' expense.

Minority Witnesses. Whenever a hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party Members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority Members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

Contempt Procedures. No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the Committee has, upon notice to all its Members, met and considered the alleged contempt. The person to be cited for contempt shall be afforded, upon notice of at least 72 hours, an opportunity to state why he or she should not be held in contempt, prior to a vote of all the committee, a quorum being present, on the question whether to forward such recommendation to the House. Such statement shall be, in the discretion of the Chairman, either in writing or in person before the Committee.

Closing Hearings. Hearings of the Committee shall be open to the public unless closed in accordance with Clause 2(g) or 2(k) of House Rule XI.

5. SUBPOENAS, SUBPOENAS DUCES TECUM, AND AFFIDAVITS

Unless otherwise determined by the Committee, the Chairman, upon consultation with the Ranking Minority Member, shall authorize and issue subpoenas. In addition, the Committee may itself vote to authorize and issue subpoenas. Subpoenas shall be issued under the seal of the House and attested by the Clerk of the House, and may be served by any person designated by the Chairman. Subpoenas shall be issued under the Chairman's signature or that of a Member designated by the Committee.

Provisions may be included in a subpoena, by concurrence of the Chairman and Ranking Minority Member, or by the Committee, to prevent the disclosure of Committee demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Committee inquiries.

A subpoena duces tecum may be issued whose return shall occur at a time and place other than that of a regularly scheduled meeting.

Requests for investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the federal government, shall be made by the Chairman, upon consultation with the Ranking Minority Member, or by the Committee.

The Chairman or the Committee may require any person who is unavailable to testify as a witness at any hearing to submit an affidavit comprising such person's sworn testimony for use at such hearing.

6. STAFF

Members of the committee staff shall work collegially, with discretion, and always with the best interests of the national security foremost in mind. Committee business shall whenever possible, take precedence over other official and personal business. For the purpose of these rules, Committee staff means the employees of the Committee, consultants to the Committee, and any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee, including detailees to the extent necessary to fulfill their designated roles. All such persons shall be subject to the same security clearance and confidentiality requirements as employees of the Committee under this rule.

Committee staff shall be either majority, minority, or joint. Majority staff shall be designated by and assigned to the Chairman. Minority staff shall be designated by and assigned to the Ranking Minority Member. Joint Committee staff shall be designated by the Chairman, in consultation with the Ranking Minority Member, and assigned to service of the full Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking minority Member and joint staff appointments, to the Clerk of the House in writing, and such certification shall be submitted to the Committee for approval by majority vote.

The joint Committee staff works for the Committee as a whole, under the supervision and direction of the Chairman and Ranking Minority Member of the Committee. Except as otherwise provided by the Committee, the duties of joint Committee staff shall be performed and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direction supervision and control of the Staff Director. Majority and minority staff appointed by the Chairman and Ranking Minority Member, respectively, shall be subject to the same operational control and super-

vision concerning security and classified documents and material as are joint Committee staff.

Members of the Committee staff shall not discuss or divulge (a) either the classified substance or procedure of the work of the Committee, (b) any classified information which comes into such person's possession while a member of the Committee staff, or (c) any classified information which comes into such person's possession by virtue of his or her position as a member of the Committee staff, with any person except a Member of the Committee, for any purpose, or in connection with any proceeding, judicial or otherwise, either during or after the person's tenure as a Member of the Committee staff, except on a need-to-know basis, as determined by the Committee, and in such manner as may be determined by the House or by the Committee.

No member of the Committee staff shall be employed by the Committee unless and until such person agrees in writing, as a condition of employment, to notify the Committee, or, after the Committee's termination, the House, of any request for testimony, either while a member of the Committee staff or at any time thereafter, with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the Committee staff. Such classified information shall not be disclosed in response to such requests except as authorized by the Committee, or, after the termination of the Committee, in such manner as may be determined by the House.

No member of the Committee staff shall divulge to any person any information, including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless directed to do so by the Committee.

The Committee shall immediately consider disciplinary action in the event any member of the Committee staff fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff, criminal referral to the Justice Department, and notification of the Speaker of the House.

7. PROCEDURES RELATED TO CLASSIFIED OR SENSITIVE MATERIAL AND OTHER INFORMATION

(a) Committee staff offices, including majority and minority offices, shall operate under strict security precautions administered by the Director of Security of the Committee. At least one security officer shall be on duty at all times by the entrance to control entry. Before entering the office, all persons shall identify themselves.

(b) Sensitive or classified documents shall be segregated in a secure storage area under the supervision of the Security Director. They may be examined only in an appropriately secure manner. Copying, duplicating, or removal from the secure area of the Committee's offices of such documents and other materials is prohibited except with leave of the Chairman and Ranking Minority Member for use in furtherance of Committee business. No classified documents shall be maintained or stored in the majority or minority offices. Classified information in any form that is not obtained in Committee hearings and is not the property of the Committee or the House shall, while in the custody of the Committee, be segregated and maintained by the Committee in the same manner as Committee records which are classified.

(c) All Members of the Committee shall at all times have access to all records of Committee hearings and all other records, data,

charts, and files that are the property of the Committee. In the case of any such materials that are classified, the Security Director shall be responsible for the maintenance, under appropriate security procedures, of a registry, which will number and identify all classified papers and other classified materials in the possession of the Committee. Such registry shall also be available to any Member of the Committee.

(d) Members who are not Members of the Committee shall have access to all Committee records as described in paragraph (c), in the same manner and subject to the same conditions and restrictions as Members of the Committee.

(e) Access to classified information supplied to the Committee shall be limited to Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and under the Committee's direction, the Staff Director.

No Member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a Member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session, or the contents of any classified papers or other classified materials or other classified information received by the Committee except as authorized by the Committee in a manner consistent with the provisions of these rules, or, after the termination of the Committee, in such manner as may be determined by the House.

Before the Committee makes any decision regarding any request for access to any testimony, papers or other materials in its possession or a proposal to bring any matter to the attention of the House or a committee or committees of the House, Committee Members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the Committee.

(f) Before a Member, officer, or employee of the Committee may have access to classified information, the following oath (or affirmation) shall be executed:

"I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the Select Committee on Homeland Security, except as authorized by the Committee or the House of Representatives or in accordance with the Rules of such Committee or the Rules of the House."

Copies of the executed oath (or affirmation) shall be retained by the Clerk as part of the records of the Committee. The Clerk shall make signatures a matter of public record, causing the names of each Member who has signed the oath to be available each day for public inspection in an appropriate office of the Committee offices.

8. SUBCOMMITTEES

(a) There shall be five standing subcommittees of the Committee, with jurisdiction as follows:

(1) Subcommittee on Infrastructure and Border Security: border security including prevention of importation of illicit weapons, pathogens, narcotics, and other contraband; illegal entry by foreign nationals; land borders, ports, and airspace; integration of federal, state, and local immigration law enforcement; protection of highways, bridges, waterways, airports and air transportation, energy supplies, and other critical infrastructure from attack; preservation of critical government, business, and financial institutions; relevant oversight; and other matters referred to the Subcommittee by the Chairman.

(2) Subcommittee on Rules: study of the operation and implementation of the House

Rules with respect to homeland security; examination of jurisdictional disputes and overlap related to the Department of Homeland Security, and homeland security in general; consideration of changes to the House Rules, pursuant to Section 4(b)(3) of H. Res. 5, necessary to ensure effective oversight of the Department of Homeland Security, and homeland security in general; relevant oversight; and other matters referred to the Subcommittee by the Chairman.

(3) Subcommittee on Emergency Preparedness and Response: preparation for and response to chemical, biological, radiological, and other attacks on civilian populations; protection of physical infrastructure and industrial assets against terrorist attack; issues related to liability arising from terrorist attack; public health issues related to such attacks; disaster preparedness; coordination of emergency response with and among state and local governments and the private sector; homeland security technology; relevant oversight; and other matters referred to the Subcommittee by the Chairman.

(4) Subcommittee on Cybersecurity, Science, and Research & Development: security of computer, telecommunications, information technology, industrial control, electric infrastructure, and data systems, including science, research and development related thereto; protection of government and private networks and computer systems from domestic and foreign attack; prevention of injury to civilian populations and physical infrastructure caused by cyber attack; relevant oversight; and other matters referred to the Subcommittee by the Chairman.

(5) Subcommittee on Intelligence and Counterterrorism: prevention and interdiction of terrorist attacks on American territory; liaison and integration of the Department of Homeland Security with the intelligence community and law enforcement; collection, analysis, and sharing of intelligence among agencies and levels of government as it relates to homeland security; threat identification, assessment and prioritization; integration of intelligence analysis, and sharing of intelligence, with and among federal, state, and local law enforcement; preservation of civil liberties, individual rights, and privacy; relevant oversight; and other matters referred to the Subcommittee by the Chairman.

(b) Bills, resolutions, and other matters shall be referred by the Chairman to the appropriate subcommittee within two weeks of receipt by the Committee for consideration or investigation in accordance with its fixed jurisdiction. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the Chairman may refer the matter as he deems advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the Chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement on the matter. In a subcommittee having an even number of Members, if there is a tie vote with all Members voting on any measure, the measure shall be placed on the agenda for full Committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

(c) The full Committee shall have general jurisdiction over all programs and activities of the Department of Homeland Security, liaison between homeland security agencies and programs throughout the federal government, and the Department of Homeland Security, state and local homeland security,

and such other matters within the jurisdiction of each subcommittee as may be referred directly to the full Committee by the Chairman.

(d) The Chairman and Ranking Minority Member of the Committee shall be ex officio Members of each subcommittee to which they have not been assigned by resolution of the Committee.

9. LEGISLATIVE CALENDAR

The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be furnished to each Member of the Committee.

10. COMMITTEE TRAVEL

No Member of the Committee or Committee staff shall travel on Committee business unless specifically authorized by the Chairman or Ranking Minority Member, respectively. Requests for authorization of such travel shall state the purpose and extent of the trip, together with itemized expenses anticipated thereon. No preliminary arrangements for foreign travel shall be undertaken by any Committee Member unless such travel has been authorized in writing by the Chairman.

A report on all foreign travel shall be filed with the Committee Clerk within sixty calendar days of the completion of said travel. The report shall contain a description of all issues discussed during the trip and the persons with whom the discussions were conducted. If an individual with the Committee staff fails to comply with this requirement, he or she shall be subject to disciplinary procedures set forth in these rules.

11. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee or Subcommittee, as the case may be, shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

12. DISPOSITION OF COMMITTEE RECORDS

Upon dissolution of the Committee at the conclusion of the 108th Congress, the records of the Committee shall be deemed current records and, consistent with House Resolution 5 of the 108th Congress, shall not be delivered to the Archives of the United States but rather shall become the records of such successor committee as shall be designated by the Speaker.

13. CHANGES IN RULES

These rules may be modified, amended, or repealed by the Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks)